

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 3, 6, 7 and 17** are rejected under 35 U.S.C. 102(b) as being anticipated by Jablonski DE 101 62 455.

Jablonski discloses a vacuum cleaner apparatus including a vacuum cleaner (3) with a suction inlet, a substantially rigid tubular cleaning wand (4) and a flexible hose (7,8) that can be extended and retracted in length, the hose (7,8) being connected at one end with the suction inlet, and the other end of the hose being secured with the wand and extending substantially to the forward end of the wand (4) when stowed in that wherein a flexible outer member (2) extends externally along a part of the length of the hose and is adapted to be secured between the rear end (**at 6**) of the wand (4) and the vacuum cleaner (3) so as to retain the hose (7,8) in a retracted state within the wand (4) and the outer member (2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2, 4, 8-13 and 16** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jablonski in view of Ranger US 2006/0070679.

Jablonski is described above. **Referring to Jablonski claims 2, 4, 10-13 and 16,**

Jablonski does not specifically disclose the being retractable by suction pressure, and

that the wand includes an occluder. Ranger discloses a linearly retractable suction

hose (secured adjacent the forward end at 122) that is retractable by suction pressure

which is manipulated by an occluder (0067) so as to control the length of the hose for

storing and working conditions. It would have been obvious to one having ordinary skill

in the art at the time the invention was made to have made Jablonski's apparatus to

have a hose that is retractable by suction pressure which is manipulated by an occluder

(0067) as taught by Ranger so as to control the length of the hose for storing and

working conditions.

5. **Claims 5 and 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jablonski in view of Ranger US and in further view of Evans 7,168,128.

Jablonski as modified is described above. The modified Jablonski does not specifically

disclose a telescoping wand. Evans discloses a vacuuming apparatus having a

collapsible wand so as to facilitate storing in tight spaces. It would have been obvious

to one having ordinary skill in the art at the time the invention was made to have made

the modified Jablonski's apparatus to have a collapsible wand as taught by Evans so as

to facilitate storing in tight spaces.

Referring to claims 8 and 9, Jablonski as modified, in discloses the apparatus, discloses the claimed method steps.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/
Examiner, Art Unit 3723

Application/Control Number: 10/550,098
Art Unit: 3723

Page 5